



CITY OF MEMPHIS

COUNCIL AGENDA

June 3, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 20, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

1. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and Section 25-195, up for S E C O N D reading.

Flinn

Ordinance No. 5264

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

2. **RESOLUTION** approving final plat of ARLEDGE SUBDIVISION.

Case No. S 07-048

Resolution approves the final plat located on the east side of Covington Pike, extending the south side of Raleigh LaGrange.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving final plat of POPLAR HIGHWOODS SUBDIVISION.
Case No. S 06-015

Resolution approves the final plat located on the northwest corner of Poplar Avenue and Shady Grove Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of TOMBLIN SUBDIVISION.
Case No. S 07-016

Resolution approves the final plat located on the west side of Alexander Street, 148.3' north of Southern Avenue.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

5. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 82-016

Located on the southeast corner of Walnut Grove and Brierview Street and currently governed by PD 82-016

Applicant: Baptist Memorial Hospital, Inc.

Appellants: Nicholas and Pattie Crafton

Request: Overturn the action of the Land Use Control Board on 03/13/08 which approved the request of Baptist Memorial Hospital to modify the west building setback of the Baptist Memorial Hospital East Planned Development from 165 feet to 135 feet for an expansion of the emergency room and relocate an existing berm to within the 50-foot wide required landscaping area with a fence to be located on top of the berm

LUCB and OPD recommendation: Approval of the requested modifications by Baptist Memorial Hospital

B. Case No. SAC 07-603 –KENTUCKY STREET CLOSURE

Extending north and south; between W. Carolina Avenue and Railroad Avenue, containing 10,800 square feet and 30' X 360' in the Bluffview Residential (R-B) District

Applicant: Newsom Enterprises, LLC
Homer Branan, Atty. – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. UV 08-01

Located on the north side of Crestview Road, 515 feet east of Bartlett Road intersection, containing 3.0 acres in the Single Family Residential Duplex (RS-8) District

Applicant: Mark C. Culver

Request: Use variation for a contractor's parking (trucks and trailers)

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: June 17, 2008



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MLGW FISCAL CONSENT

6. RESOLUTION approving Change No. 12 to Contract No. 10718, Long and Short-Term Disability, with Unum Provident, in the funded amount of \$2,353,206.00. (This renews the current contract for the period July 1, 2008 to March 31, 2009.)
7. RESOLUTION approving Change No. 2 to Contract No. 10793, Professional Portfolio Software, with Advent Software, Inc., in the funded amount of \$24,594.24. (This renews the contract for the period May 11, 2008 to May 10, 2009.)
8. RESOLUTION approving Change No. 3 to Contract No. 11015, Certified Laboratory for Drug Testing, with Advanced Toxicology Network, in the funded amount of \$24,000.00, with no change in rates. (This renews the contract for the third renewal term, June 24, 2008 to June 23, 2009.)
9. RESOLUTION approving Change No. 3 to Contract No. 11039, Gas Leak Survey, with Heath Consultants, in the funded amount of \$529,563.00. (This renews the contract for the third renewal term, July 1, 2008 to June 30, 2009, and increases the current contract value for frequent surveys and inspections of gas facilities and appurtenances on bridges.)
10. RESOLUTION approving Change No. 3 to Contract No. 11041, Right-of-Way Mowing, with Bean & Prince Contractors, in the funded amount of \$132,870.00. (This extends the current contract for 90 days and increases the contract value which will reflect a 3% increase in the previous year's rate.)
11. RESOLUTION approving Change No. 1 to Contract No. 11066, Airline Road Water Main Installation, with Argo Construction Corporation, in the funded amount of \$13,287.28. (This covers an increase in the quantity of 30" water main installed in the asphalt.)
12. RESOLUTION approving Energy Smart Memphis contractual agreements with Metropolitan Inter-Faith Association (MIFA) and Shelby County Community Assistance Agency (CSA), to provide all or some portion of the up to \$1,000,000.00 funding approved to supplement their existing programs for providing home energy repairs or improvements to low-income customers.
13. RESOLUTION approving Change No. 3 to Contract No. 11121, Customer Satisfaction Survey Process, with Renee Enterprises, in the funded amount of \$15,900.00. (This extends the current renewal date to December 31, 2008.)



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REGULAR AGENDA

14.
Flinn

APPOINTMENTS

Memphis and Shelby County Music Commission

Appointments

Jonathan Cross, II

Bobby L. Evans

Ryan Fleur

Prevailing Wage Commission

Appointment

Paul Shaffer

BUDGET ITEMS

15.
Halbert

RESOLUTION to establish the Memphis Light Gas and Water Division In-Lieu-Of Tax payment to the City of Memphis for Fiscal Year 2009.

ACTION REQUESTED: Adopt the resolution

16.
Halbert

RESOLUTION to direct the City Treasurer to prepare tax bills for the various utilities and carriers utilizing the last certified assessment as of June 30, 2008.

ACTION REQUESTED: Adopt the resolution

17.
Halbert

RESOLUTION to approve the FY 2009 Budget for the Center City Commission.

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION approving the Memphis City Schools' Budget for 2008-2009.
Fullilove

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION to approve the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2009-2013.

Boyd

ACTION REQUESTED: Adopt the resolution

20. **ORDINANCE** establishing the Fiscal Year 2009 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Halbert

Ordinance No. 5262

values **ORDINANCE** to appropriate the proceeds of the Tax Levy on the assessed on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2009, up for T H I R D and F I N A L reading.

Halbert

Ordinance No. 5263

ACTION REQUESTED: Take whatever action Council deems advisable

GENERAL ORDINANCE- THIRD AND FINAL READING

22. **ORDINANCE** to amend Chapter 9, Code of Ordinances, City of Memphis, so as to amend Section 9-56-11, pertaining to an increase in the monthly fees charged for the collection and disposal of solid waste, up for T H I R D and F I N A L reading.

Halbert

Ordinance No. 5261

Director of Public Works and Director of Finance recommend approval

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

23. RESOLUTION granting an easement for transmission of electricity to Nucor Steel Memphis, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on March 27, 2008.

Collins

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

24. RESOLUTION appropriating \$882,600.00 in In-Service Training Grant funds from the State of Tennessee for the Division of Fire Services for a total appropriation of \$882,600.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

25. RESOLUTION approving sale of surplus property, located west of Whitworth and north of the dead-end of Ridgewood, to J&J Investments and BJH & Associates, for the sum of \$130,000.00.

Ware

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving the adoption, authorization and execution of documents relating to not to exceed \$100,000,000.00 Electric System Subordinate Revenue Bonds, Series 2008, including a Third Supplemental Resolution authorizing the Series 2008 Bonds, a Bond Purchase Agreement authorizing the negotiated sale of the Series 2008 Bonds to the Underwriter, a Refunding Escrow Agreement and an Official Statement; selecting a Bond Registrar/Paying Agent and Escrow Agent; and approving certain documents and authorizing certain officials of the Division to execute such documents in connection with the issuance and sale of Series 2008 Bonds and the taking of all actions in connection therewith.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

27. RESOLUTION including Lincoln School Park, CIP Project Number PK07081, as part of the FY 2008 Capital Improvement Program. The resolution seeks to appropriate \$96,012.00 in Construction, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

28. RESOLUTION appropriating funding for the Organized Crime Unit drug funds for Fiscal Year 2009 in the amount of \$4,684,048.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

29. RESOLUTION receiving \$120,000.00 in Community Enhancement Grant funding from select members of the Shelby County Delegation of the Tennessee General Assembly. The funds are designated as follows: \$95,000.00 for the Summer Youth Employment Program and \$25,000.00 for an EMT training program administered through the Memphis Fire department.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE – THIRD AND FINAL READING (None)

DIVISON OF PLANNING & DEVELOPMENT (None)

PUBLIC HEARINGS (None)

GENERAL ITEM

30. RESOLUTION requesting City Administration to submit a Request for Qualifications from developers desiring to develop the Pyramid and Mud Island sites.
(Held from 03/04)

Flinn

ACTION REQUESTED: Adopt the resolution

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Public Hearing set for June 17, 2008
6. Through 17 – Approved
18. Through 21 – Approved, as amended
22. Through 29 – Approved
30. Held to September 9, 2008

ACTION TAKEN ON THE MINUTES OF MAY 20, 2008

Approved

ACTION TAKEN ON THE MINUTES OF JUNE 3, 2008 FOR ITEMS 21, 23, 25 & 26

Approved, set up as Special Item #2